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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/014,308	11/13/2001	Scott D. Leapman	P1748US00	3163

7590 01/25/2005

EXAMINER

GATEWAY, INC.

Attention: Kenneth J. Cool
610 Gateway Drive, MD Y-04
N. Sioux City, SD 57049

BONSHOCK, DENNIS G

ART UNIT

PAPER NUMBER

2173

DATE MAILED: 01/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/014,308	LEAPMAN, SCOTT D.	
	Examiner	Art Unit	
	Dennis G. Bonshock	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 13 October 2004.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-30 is/are pending in the application.
 4a) Of the above claim(s) 20-27 is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-19 and 28-30 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ |

Final Rejection

Response to Amendment

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment as received on 10-13-04.
2. Claims 1-19 and 28-30 have been examined.

Status of Claims:

3. Claims 1, 2, 5, 8-13, 15, 17-19, 28 and 30 are rejected under 35 U.S.C. 102(e) as being anticipated by Gettemy et al., Patent #6,603,469, hereinafter Gettemy.
4. Claims 3, 6, 16, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gettemy and Kim, Patent #5,670,972.
5. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gettemy and Petty et al., Patent #6,546,263, hereinafter Petty.
6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gettemy, Kim, and Friesen, Patent #6,496,884.
7. Claim 14 has been cancelled by the applicant.

Election/Restrictions

8. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-12, 14-19 and 28-30, are drawn to a determining of a fault condition and providing a graphical depiction which illustrates, classified in class 714, subclass 25.

II. Claim 20-27, is drawn to an apparatus comprising a housing, connector, and means for detecting of the lack of a connection and depicting the lack of connection, classified in class 714, subclass 43.

The inventions are distinct, each from the other because of the following reasons:

9. Inventions of Group I and of Group II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the process as claimed can be practiced by hand.

10. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

11. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Claim Objections

12. Claim 28 is objected to because of the following informalities: the claim states "connecting said fault" where it is believe that the applicant meant "correcting said fault". Appropriate correction is required.

Claim Rejections - 35 USC § 102

13. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

14. Claims 1, 2, 5, 8-13, 15, 17-19, 28 and 30 are rejected under 35

U.S.C. 102(e) as being anticipated by Gettemy et al., Patent #6,603,469,

hereinafter Gettemy.

15. With regard to claim 1, which teaches a method, comprising: detecting a fault condition, Gettemy teaches, in column 2, lines 15-20, detecting when the battery falls below a certain predefined threshold. With regard to claim 1, further teaching determining a solution for correcting the fault condition, Gettemy teaches, in column 2, lines 15-25, providing a message that allows the user to change the display to prolong battery life. With regard to claim 1, further teaching providing a graphical depiction, which illustrates the solution to the fault condition, wherein the graphical depiction is displayed on a display device, Gettemy teaches, in column 2, lines 15-25, providing a message, on the display screen, that allows the user to change the display to prolong battery life.

16. With regard to claim 2, which teaches the fault condition being one of lack of connectivity, lack of alternating current electrical source, and low battery

power, Gettemy teaches, in column 2, lines 15-20, detecting when the battery falls below a certain predefined threshold.

17. With regard to claims 5, 10, and 17, which teach the graphical depiction being one of static depiction and a animated depiction, Gettemy teaches, in column 2, lines 15-25 and in figure 10, providing a message, on the display screen, in the form of a static message.

18. With regard to claim 8, which teaches a method comprising: providing a help routine including a list of functions an apparatus is capable of performing, Gettemy teaches, in column 2, lines 15-25, providing a message, on the display screen, that allows the user to change the display to prolong battery life. With regard to claim 8, further teaching receiving a selection of a particular function, Gettemy teaches, in column 2, lines 15-20, column 9, lines 5-17, and in figures 9 and 10, the receipt of a user selection of a command to leave in color or to change to mono. With regard to claim 8, further teaching displaying a graphical depiction of at least one step for activating the particular function on a display device of the apparatus, Gettemy teaches, in column 2, lines 15-20, column 9, lines 5-17, and in figures 9 and 10, the receipt of a user selection, through a graphical depiction of options, of command to leave in color or to change to mono, this function is then carried out.

19. With regard to claim 9, which teaches providing a display suitable for a user to perform a first step in activating the particular function, Gettemy teaches, in column 2, lines 15-20, column 9, lines 5-17, and in figures 9 and 10, the user providing a selection through a graphical depiction of options.

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20. With regard to claims 11 and 18, which teach the graphical depiction being in color, Gettemy teaches, in column 2, lines 15-20, the use of a color display.

21. With regard to claims 12 and 19, which teaches the apparatus being at least one of a cellular telephone, a personal digital assistant, a monitor, television, a remote control, a computer, a CD player, a DVD player, a digital storage medium player and a network device, Gettemy teaches, in column 1, line 66 through column 2, line 4, the system being implemented in a cell phone, PDA, etc.

22. With regard to claim 13, which teaches an apparatus, comprising: detecting means for detecting a fault connection, Gettemy teaches, in column 2, lines 15-20, determining if the battery falls below a certain predefined threshold before displaying the options screen. With regard to claim 13, further teaching a controller coupled to the determining means, a memory coupled to the controller, and a display device coupled to the controller, Gettemy teaches, in column 6, lines 25-63; and in figure 5, the circuitry of the computer system comprising a processor, a controller, a memory unit, a display device, etc. all connected together. With regard to claim 13, further teaching displaying to the user an appropriate depiction of a probable solution, if a fault condition is detected, Gettemy teaches, in column 2, lines 15-25, providing a message, on the display screen, that allows the user to change the display to prolong battery life, upon determination that the message is necessary.

23. With regard to claim 15, which teaches the detecting means including an interface capable of receiving an input from a user that instruction in necessary

regarding activating a function of the apparatus, Gettemy teaches, in column 2, lines 15-20, column 9, lines 5-17, and in figures 9 and 10, the receipt of a user selection, through a graphical depiction of options, of command to leave in color or to change to mono, this function is then carried out.

24. With regard to claims 28 and 30, teaching determining a first highly probable solution and further if the highly probable solution does not correct the fault determining a further solution and providing a graphical depiction which illustrates, Gettemy teaches, in column 2, lines 15-36, detecting when the battery falls below a certain predefined threshold; and providing a message that allows the user to change the display to prolong battery life, thereby providing the user with an indication of a means to prolong his/her battery life (solution to the problem), if the user however doesn't choose to take this solution the device can automatically make the change for the user if it reaches a lower critical level (see column 7, lines 38-47), further Gettemy teaches, in column 9, lines 18-24, the system further having an additional battery warning system that provides the user with a critically low battery warning (indicating that it is past the display change solution and is now time to charge).

Claim Rejections - 35 USC § 103

25. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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26. Claims 3, 6, 16, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gettemy and Kim, Patent #5,670,972.

27. With regard to claims 3 and 16, Gettemy teaches a system for detecting faults and providing graphical displays, which illustrate a solution (see column 2, lines 15-25). Gettemy, however, doesn't specifically disclose the use of this type of trouble-shooting used for detecting an absence of a signal. Kim, teaches, a system that provides the user with a graphical depiction of help information, but further teaches the system detecting the absence of a signal (see column 1, lines 20-30 and lines 50-63). It would have been obvious to one of ordinary skill in the art, having the teachings of Gettemy and Kim before him at the time the invention was made to modify the trouble-shooting system of Gettemy to include the detection of missing signals as did Kim. One would have been motivated to make such a combination because the detection and notification system of Gettemy could lack an input from a PC, to the PDA which is gaining information through the cradle, as shown in column 6, lines 16-24.

28. With regard to claim 6, Gettemy teaches a system for detecting faults and providing graphical displays, which illustrate a solution (see column 2, lines 15-25). Gettemy, however, doesn't specifically disclose the use of his type of trouble shooting used for detecting an absence of a video signal. Kim, teaches, a system that provides the user with a graphical depiction of help information, but further teaches the system detecting the absence of a video signal (see column 1, lines 20-30 and lines 50-63). It would have been obvious to one of ordinary skill in the art, having the teachings of Gettemy and Kim before him at the time

the invention was made to modify the trouble-shooting system of Gettemy to include the detection of missing video signals as did Kim. One would have been motivated to make such a combination because the detection and notification system of Gettemy could lack an input from a PC, to the PDA which is gaining information through the cradle, as shown in column 6, lines 16-24.

29. With regard to claim 29, Gettemy teaches a system for detecting faults and providing graphical displays, which illustrate a solution (see column 2, lines 15-25). Gettemy, however, doesn't specifically disclose the detection of a proper connection with a connector. Kim, teaches, a system that provides the user with a graphical depiction of help information, but further teaches the system detecting the absence of a signal, and whether or not the cable is connected to (see column 1, lines 20-30 and lines 50-65). It would have been obvious to one of ordinary skill in the art, having the teachings of Gettemy and Kim before him at the time the invention was made to modify the trouble-shooting system of Gettemy to include the detection of missing signals as did Kim. One would have been motivated to make such a combination because the detection and notification system of Gettemy could lack an input from a PC, to the PDA which is gaining information through the cradle, as shown in column 6, lines 16-24.

30. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gettemy and Petty et al., Patent #6,546,263, hereinafter Petty.

31. With regard to claim 4, Gettemy teaches a system for detecting faults and providing graphical displays, which illustrate a solution (see column 2, lines 15-25). Gettemy, however, doesn't specifically disclose the removing of the

graphical depiction from the display device when the fault condition has been corrected. Petty teaches a system for providing a visual representation of a plurality of faults/conditions that can be present on a system, similar to that of Gettemy, however, Petty further teaches removing the graphical depiction from the display when it is no longer in fault (see column 3, line 54 through column 4, line7). It would have been obvious to one of ordinary skill in the art, having the teachings of Gettemy and Petty before him at the time the invention was made to modify trouble-shooting system of Gettemy to include the removal of the graphical depiction of the fault upon correction. One would have been motivated to make such a combination because there would be no purpose to display the fault correction screen if the fault no longer exists.

32. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gettemy, Kim, and Friesen, Patent #6,496,884.

33. With regard to claim 7, Gettemy teaches a system for detecting faults and providing graphical displays, which illustrate a solution (see column 2, lines 15-25). Gettemy, however, doesn't specifically disclose the graphical depiction including a color-coded monitor cable being plugged into a color-coded connector. Kim, teaches, a system that provides the user with a graphical depiction of help information, but further teaches the system detecting the absence of a video signal (see column 1, lines 20-30 and lines 50-63). It would have been obvious to one of ordinary skill in the art, having the teachings of Gettemy and Kim before him at the time the invention was made to modify the trouble-shooting system of Gettemy to include the detection of missing video

signals as did Kim. One would have been motivated to make such a combination because the detection and notification system of Gettemy could lack an input from a PC, to the PDA which is gaining information through the cradle, as shown in column 6, lines 16-24. Gettemy and Kim, however, don't teach the user of color-coded monitor cables being plugged into a color-coded connector. Friesen teaches a system of connecting a system to a monitor as did Gettemy and Kim, but further teaches color-coded cables being plugged into color-coded ports (see column 2, lines 31-55). It would have been obvious to one of ordinary skill in the art, having the teachings of Gettemy, Kim, and Friesen before him at the time the invention was made to modify the trouble-shooting system of Gettemy and Kim to include the color-coded connection system of Friesen. One would have been motivated to make such a combination because this would help to further limit confusion of the user and minimize faults.

Response to Arguments

34. The arguments filed on 10-13-04 have been fully considered but they are not persuasive. Reasons set forth below.

35. Applicant's election with traverse of Group I claims 1-19 in the reply filed on 10-13-04 is acknowledged. The traversal is on the ground(s) that they are not related a combination and subcombination. This is found to be persuasive. However, because Group I clearly shows the determination of fault conditions, and providing solutions, where Group II shows an apparatus claim that determines if a connection made with a housing, and if not provides a solution, they are still believed to be restrictable, under Method and Apparatus.

The requirement is made non-FINAL.

36. The applicants' argue that the Gettemy reference doesn't teach a solution to correcting a fault.

37. In response, the examiner respectfully submits that Gettemy teaches, in column 2, lines 15-36, detecting when the battery falls below a certain predefined threshold; and providing a message that allows the user to change the display to prolong battery life, thereby providing the user with an indication of a means to prolong his/her battery life (solution to the problem).

38. The applicants' argue that there is no teaching of "providing a help routine including a list of functions an apparatus is capable of performing."

39. In response, the examiner respectfully submits that Gettemy teaches, in column 2, lines 15-36, detecting when the battery falls below a certain predefined threshold; and providing a message that allows the user to change the display to prolong battery life, thereby providing the user with an indication of a help routine to prolong his/her battery life.

40. The applicants' argue that there is no teaching in the Kim patent of providing a pictorial depiction of a solution to correcting these problems.

41. In response, the examiner respectfully submits that Kim teaches, in column 1, lines 50-65 and in lines 20-25, a video display capable of self diagnosis, where several pictorial representations are displayed on the screen to show the user whether the monitor is connected or disconnected so as to show the user the cause of the lack of picture.

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42. The applicants' argue that there is no teaching in Petty with respect to providing a graphical display of a solution for correcting a fault condition.

43. In response, the examiner respectfully submits that Petty teaches, in column 3, lines 54 through column 4, line 7, a graphical battery display that shows the state of the battery and only shows it when a charge is needed (showing this graphical depiction as to tell the user to charge). This is similar to the teaching of Gettemy, in column 2, lines 15-36, which teaches detecting when the battery falls below a certain predefined threshold; and providing a message that allows the user to change the display to prolong battery life, thereby providing the user with an indication of a means to prolong his/her battery life (solution to the problem).

44. The applicants' argue that there is no teaching in the references, which would lead to providing a graphical depiction of a color-coded monitor cable being plugged into a color coded connector.

45. In response, the examiner respectfully submits that Gettemy, in column 2, lines 15-36, which teaches detecting a fault and providing a message that allows the user to change the display to prolong battery life, thereby providing the user with an indication of a means to prolong his/her battery life (solution to the problem). Kim teaches, in column 1, lines 50-65 and in lines 20-25, a video display capable of self diagnosis, where several pictorial representations are displayed on the screen to show the user whether the monitor is connected or disconnected so as to show the user the cause of the lack of picture, similar to the teaching of Gettemy. This is further supplemented by the Friesen reference teaching, in column 2, lines 31-51, the user of color-coded monitor cables. The

combination of these references is obvious, give the similar depictions of fault solutions of Gettemy and Kim, and further the use of color-coded monitor cables, of Friesen, for a display similar to that of Kim.

Conclusion

46. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

47. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

48. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.

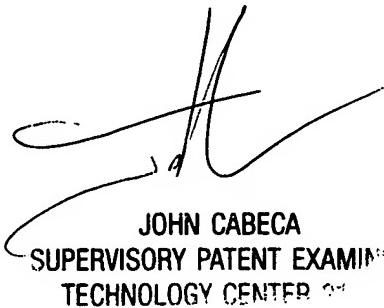
49. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The

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fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

50. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

1-14-05
dgb



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